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Division of Children and Family Services
DCFS Memo Series 2002-16

Division of Juvenile Corrections
Administrator's Memo Series for Counties # 02-17

To: Area Administrators/Assistant Area Administrators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators
Division of Juvenile Corrections Management Staff
Juvenile Court Intake Workers

From: Susan N. Dreyfus
Administrator
Division of Children and Family Services

Eurial K. Jordan
Administrator
DOC/Division of Juvenile Corrections

Date: December 13, 2002

Re: COUNTY CHILD WELFARE AND YOUTH SERVICES COMPLAINT PROCEDURE

In the past few months, we have experienced an increase in the number of complaints we have received related to county child welfare and youth services cases. These calls have come from parents and other relatives of children and youth receiving services in their homes and in out-of-home care. When we receive these calls, we attempt to determine if the caller has exhausted his or her options with the county complaint process. In many cases, the callers indicate that the county does not have such a process or that the callers are not aware of the existence of the process. In some cases, we then attempt to get the issue resolved or refer the caller to the appropriate regional office. In either case, this is consuming an inordinate amount of state staff time when the issue could be more appropriately, quickly and effectively resolved at the county level. Counties with formal processes tell us that this limits the escalation of issues when problems can be resolved locally.

In addition, the best management of child welfare and youth services decision making is assured when a county agency reviews and is accountable for decisions made and actions taken by agency staff. Handling complaints and concerns at the local level assures that managers are informed of concerns and

Document Summary

This memo requires all County Departments of Human/Social Services to establish and publicize complaint processes for individuals who have complaints or other concerns related to the county's child welfare and youth services system.

reinforces the agency's accountability and position of responsibility in the community. Problem solving at the local level can also reinforce the community's responsibility to support child and youth well-being and the county agency's connections to these community resources. In most instances, a complete review and investigation of complaints must occur at the local level before DHFS or DOC will investigate or become involved.

County Departments of Human Services/Community Programs are required, pursuant to Ch. HFS 94, Adm. Code, and s. 51.61, Stats., to have a county complaint procedure. This procedure is for individuals with mental illness, developmental disabilities or alcohol and other drug abuse issues who are or have been receiving services through county operated or county contracted programs. While a similar process for child welfare and youth services has been incorporated into this procedure or otherwise established in some counties, there has not been an expectation that all counties have an established complaint procedure for all human service programs. This memo requires that all county agencies adopt a complaint process for individuals who have concerns about the child welfare or youth services system in your county.

The complaint procedure does not need to be a complicated process. Some criteria for developing a complaint process are described below. If you do not already have an appropriate process in place, your agency can use this to help structure your procedure or make changes to your existing procedure. A human services agency could also incorporate child welfare and youth services into the HFS 94 procedure already in place. Attached for your convenience and assistance is the complaint procedure adopted by Marathon County.

Exceptions

Certain programs or services have statutorily mandated appeal processes. These include the Kinship Care Program. The Kinship Care appeal process can be found at s. 48.57 (3m), (3n), and (3p), Stats., and s. HFS 58.08, Adm. Code. Appeals of decisions within DOC/DJC are handled in accordance with the Case Management Procedures specified by DOC.

At some point in the future, there will be a separate appeal process for substantiated child abuse and neglect (CAN) appeals. This will occur when Ch. HFS 43, Adm. Code, (currently draft) is promulgated.

Notice of Complaint Procedure

When your agency has developed your complaint process for child welfare and youth services, the procedure should be posted in the visitor/reception area of your agency and copies should be forwarded to the DHFS Area Administrator for your region and to DOC/DJC, attention Pam Eitland. This should be completed no later than January 31, 2003. If you already have a child welfare and youth services complaint process in place, please send copies to your Area Administrator and Pam Eitland when you receive this memo. In addition, your complaint process should be given to any person who expresses a concern about child welfare and youth services. Individuals involved in ongoing cases should also be advised that your agency has a formal complaint process.

When DHFS or DOC receives a complaint from an individual regarding your agency decision making or services provided, Department staff will advise that individual of your internal complaint process and refer them back to your agency. Only if they believe their concerns were not resolved through this process will the Department consider reviewing the complaint. In this instance, Department staff will review the complaint and will assist the complainant in working with your agency to seek a resolution to their identified concerns when possible.

The child welfare and youth services complaint process must include the following characteristics:

- Be written clearly and in a format friendly to the public;
- Be distributed, in writing and, preferably, verbally, to any person who has expressed a concern about how a case is being or has been handled;
- Recognize all confidentiality requirements;

- Ultimately allow access to the agency director or designee assigned to act on behalf of the director, if the complaint cannot be resolved on a lower level;
- Assure a formal, written response to the complainant for all written complaints;
- Assure timely follow-through; and
- Be familiar to child welfare, youth services and other appropriate agency staff in order to allow those individuals to refer complainants to the proper person in the agency.

In addition, the policy may establish a process for the complainant to forward concerns to the County Human/Social Services Board if the complainant is not satisfied with the response from the agency director.

Having an internal complaint resolution process will help you to better manage child welfare and youth services in your agency. It will also improve service quality for those in the system by having a mechanism to resolve complaints appropriately, allow for quicker resolution of individual concerns and reduce the possibility of concerns being raised to the level of legislators, the Governor, federal officials and the media. It is much more appropriate and effective to resolve complaints quickly at the local level before the concerns escalate and outside entities get involved.

If you would like assistance in developing a complaint process for your agency, please contact your Area Administrator. Thank you for your attention to this matter.

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MEMO WEB SITE: <http://www.dhfs.state.wi.us/partners/local.htm>

Attachments

c: County Child Protective Services Supervisors
 County Foster Care Coordinators
 Kinship Care Contact Persons
 Jon E. Litscher, Secretary, DOC
 Cindy O'Donnell, Deputy Secretary, DOC
 Jessica O'Donnell, Executive Assistant, DOC
 Silvia Jackson, Deputy Administrator, DOC/DJC
 Pamela Eitland, DOC/DJC